

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ERICKSON PRODUCTIONS INC, et al.,
Plaintiffs,
v.
KRAIG R. KAST, et al.,
Defendant.

Case No. [5:13-cv-05472-HRL](#)

**ORDER (1) GRANTING ERICKSON'S
MOTION TO QUASH SUBPOENAS;
AND (2) DENYING AS MOOT
ERICKSON MOTION TO ADJOURN
HEARING**

Re: Dkt. Nos. 268, 290

Jim Erickson and Erickson Productions, Inc. (collectively, "Erickson") move to quash subpoenas Kast caused to be issued on JPMorgan Chase Bank, N.A., First National Bank of Northern California, and First American Title Insurance Company. Kast opposes the motion. The matter is deemed suitable for determination without oral argument, and the February 13, 2018 hearing is vacated.¹ Civ. L.R. 7-1(b). Upon consideration of the moving and responding papers, the court rules as follows:

The subpoenas at issue are procedurally improper. Fed. R. Civ. P. 45(a)(4), (b)(1). They also seek irrelevant information. Moreover, this case is now in a post-judgment phase in which Erickson seeks discovery in aid of judgment or execution under Fed. R. Civ. P. 69. "The

¹ Erickson's request to continue the motion hearing is denied as moot.

1 discovery contemplated by rule 69(a) is a distinct phase of the litigation with a narrow focus. It is
2 solely to enforce the judgment by way of the supplemental proceedings.” Danning v. Lavine, 572
3 F.2d 1386, 1390 (9th Cir. 1978). “One purpose of such special discovery is to identify assets that
4 can be used to satisfy a judgment.” Ryan Investment Corp. v. Pedregal de Cabo San Lucas, No.
5 06-3219 JW (RS), 2009 WL 5114077, at *1 (N.D. Cal., Dec. 18, 2009) (citation omitted).
6 “Another purpose is to discover concealed or fraudulently transferred assets.” Id. (citation
7 omitted). Kast fails to persuade that he is entitled to parallel post-judgment discovery.
8 Accordingly, Erickson’s motion to quash the subject subpoenas is granted.

9 SO ORDERED.

10 Dated: February 9, 2018

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HOWARD R. LLOYD
United States Magistrate Judge